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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,284

09/16/2003

Seiji Nisiyama

01-469

9803

23400

7590

08/30/2005

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

GIBSON, ERIC M

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,284

Applicant(s)

NISIYAMA, SEIJI

Examiner

Eric M. Gibson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 7 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3,6,8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeGraaf (US005878368A).

a. Per claim 1, DeGraaf teaches a car navigation system that includes road map data indicating at least one of a branch point, a junction point, and an intersection point, and link data indicating a road between the points (column 3, lines 4-7), a route searching unit for searching for a route between two points (column 5, lines 49-51), a commanding unit for commanding that the route searching unit select a route as giving priority to a special type of road (column 2, lines 15-18), wherein when the route searching unit is commanded to select a route as giving priority to a special type of road, the route searching unit preferentially selects a route including a road that corresponds to the special type (column 2, lines 19-24). DeGraaf does not specifically teach giving priority to an automatic travel road. However, DeGraaf teaches that the system is designed for a user to give priority to a specific road that a user wishes either to avoid or as a preference (column 1, lines 52-60). Among the many enumerated special roads are highways and toll roads (column 2, lines 35-40). An "automatic travel

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road" is simply another type of special road for which the system of DeGraaf can be provided to indicate a user preference in route searching.

b. Per claim 2, DeGraaf teaches that the link data of the road map data includes a cost and that the route searching unit selects a given route with a minimum cost (column 2, lines 9-14), and the cost of a road that is given priority is made smaller (column 2, lines 15-24).

c. Per claim 4, DeGraaf teaches a route searching method used in a car navigation system that includes road map data indicating at least one of a branch point, a junction point, and an intersection point, and link data indicating a road between the points (column 3, lines 4-7), searching for a route between two points (column 5, lines 49-51), commanding that the route searching unit select a route as giving priority to a special type of road (column 2, lines 15-18), wherein when it is commanded to select a route as giving priority to a special type of road, a route is selected including a road that corresponds to the special type (column 2, lines 19-24). DeGraaf does not specifically teach giving priority to an automatic travel road. However, DeGraaf teaches that the method is designed for a user to give priority to a specific road that a user wishes either to avoid or as a preference (column 1, lines 52-60). Among the many enumerated special roads are highways and toll roads (column 2, lines 35-40). An "automatic travel road" is simply another type of special road, like highways and toll roads, for which the method of DeGraaf can be provided to indicate a user preference in route searching.

Allowable Subject Matter

2. Claims 5 and 7 are allowed.

a. Per independent claims 5 and 7, the prior art does not teach or reasonably suggest in combination the present invention including a car navigation system with an automatic travel guiding device combined with the claimed commanding unit that gives priority to an automatic travel road when determining a route to a destination as claimed.

3. Claims 3, 6, and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

a. Per claims 3 and 6, the prior art does not teach or reasonably suggest in combination the present invention including determining whether a vehicle where the car navigation system is mounted has an automatic travel guiding device and only when it is determined that the vehicle has the automatic travel guiding device is priority given to an automatic travel road by the route searching unit as claimed.

b. Per claim 8, the prior art does not teach or reasonably suggest in combination the present invention including a car navigation system with an automatic travel guiding device combined with the claimed commanding unit from claim 1 that gives priority to an automatic travel road when determining a route to a destination as claimed.

c. Per claim 9, the prior art does not teach or reasonably suggest in combination the present method including an automatic travel guiding device receiving

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a route from the claimed commanding unit from claim 4 that gives priority to an automatic travel road when determining a route to a destination as claimed.

d. Per claim 10, the prior art does not teach or reasonably suggest in combination the present invention including determining whether a vehicle where the car navigation system is mounted has an automatic travel guiding device and only when it is determined that the vehicle has the automatic travel guiding device is priority given to an automatic travel road by the route searching unit as claimed.

Response to Arguments

4. Applicant's arguments filed 4/19/2005 have been fully considered but they are not persuasive. The Examiner has not been persuaded that giving priority to an "automatic travel road" in the context of claims 1, 2, and 4 is non-obvious. The Examiner has shown that the prior art teaches giving priority to "special roads" as desired. (For example, prior art evidence of giving priority to many different types of roads, based on a user's choice is also found in Inoue et al. (US006295503B1), where many different types of "special roads" are contemplated in columns 11-13.) While "automatic travel roads" are not explicitly mentioned in the prior art, no one reference can adequately list all the possible variations of "special roads" that may be given priority if a user so desires. Just as there is no explicit motivation in the prior art to give priority to roads beginning with the letter Q, such an invention would be considered obvious in view of an invention that taught giving priority to a subset of all roads. In the case of the "automatic travel road" as claimed in claims 1, 2, and 4, the Examiner also

views this as a simple subset of all roads, the giving of priority to that subset is obvious in view of the teaching of DeGraaf.

5. However, as noted in the Allowable Subject Matter section of this Office Action, when the giving of priority is somehow related to the presence of an automatic driving device in the vehicle, the designation of the subset of all roads that are "automatic travel roads" is no longer arbitrary. Therefore, the giving of priority to those roads is no longer obvious in view of the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

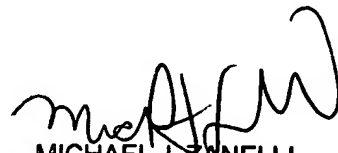
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Gibson whose telephone number is (571) 272-6960. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG



MICHAEL J. ZANELLI
PRIMARY EXAMINER